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## **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 – 52 and 57 - 60 are pending in the application. Claims 1 – 52 and 57 - 60 have been rejected. Claims 7, 21, 35, 44, and 49 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

## **CLAIM OBJECTIONS**

### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner listed the following objections:

“3. Claims 1-4, 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“4. Claim 7 recites the limitation “the output” in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.”

The informalities have been corrected in claim 7. Corrections of similar informalities have been made to claims 21, 35, 44, and 49.

Applicants have not amended claims 1-4, 25-28 as the Examiner did not list specific objections.

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## **CLAIM REJECTIONS**

### **35 U.S.C. § 102(e) Rejections**

In the Office Action, the Examiner rejected claims 1 – 52 and 57 - 60 under 35 U.S.C. § 102(e), as being unpatentable over Crabtree et al. (US 2004/0044658).

Applicants respectfully traverse this rejection in view of the remarks that follow.

Crabtree et al discloses an information provider 200 which includes a profiler 201 to generate a user's personal profile, wherein the user's profile comprises a list of the user's interests depending upon context. Examples of interests include "general interests: e.g. current affairs, finance, home, business, leisure, hobbies, clubs, etc;" and places: e.g. home town, holiday destination, business trip, family homes, etc" (paragraphs 80-81).

The present application, on the other hand, recites in claim 1, with similar language in claim 25:

"An index to list physical items in a vicinity around a changeable current location of a user of said index."

Notwithstanding the Examiner's comments to the contrary, the personal profile disclosed by Crabtree is not at all similar to the index taught by the present invention. The personal profile disclosed by Crabtree et al lists abstract interests, not physical items. Furthermore, the contents of the personal profile are not dependant on the user's vicinity. Instead, the personal profile comprises all of the user's interests, each with one or more designated contexts. The personal profile does not change when a user moves.

Crabtree et al also discloses an index generator 205 which "creates an index for each information source stored on information source servers IS1-IS4" (paragraph 123). "The type of information indexed by index generator 205 includes news data, stock market listings, Lycos, weather data, classified advertisements, event guides, entertainment information such as cinema listings, places to stay, places to eat, sport, financial information, shopping information e.g. store guides, and information on services e.g. cash point locations, petrol station locations" (paragraph

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131). “Index generator 205 accesses the information servers IS1-IS4 at regular intervals so that the index tables are up to date” (paragraph 131) without regard to the movement and/or specific whereabouts of the user.

The index tables generated by index generator 205 do not change in response to a change in a user’s vicinity. They are updated regularly from an electronic data source without regard to a user’s vicinity. Furthermore, these tables list information and services that are intended to correspond with the interests listed in a user’s personal profile – not physical items as with the index recited in claims 1 and 25. In the instances where a physical item is listed, i.e. “place to eat”, it serves as a proxy for a type of information or service offered, i.e. “prepared food for sale.”

Crabtree et al does disclose a retrieval engine 207 “to retrieve interests associated with the instantiated context from the profiler 201 and to retrieve information from information sources IS1-IS4 via index generator 205 based on those interests.” However, as with index generator 205, the data retrieved by retrieval engine 207 comprises a list of information and services, not physical items. Furthermore, the data retrieved by retrieval engine 207 does not constitute an index as recited in claim 1.

Thus, despite the Examiner’s statements to the contrary, information provider 200 cannot provide the index as recited in claims 1 and 25, nor can it provide the method recited in claims 29 and 57.

Claim 5 of the present application recites, with similar language in claim 33:

“5. A personal index generator comprising:

a personal index;

a personal index updater to update said personal index to include information

about items within a changeable space in a vicinity of a person.”

As mentioned hereinabove, Crabtree et al. does not disclose a personal index, nor does it disclose a personal index updater. Instead, Crabtree et al. discloses retrieval engine 207.

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However, retrieval engine 207 is a search engine which searches an index in its current state. It does not “update said personal index”.

Claim 18 of the present application recites, with similar language in claim 46:

“18. A personal index generator comprising:

a location sensor to sense the location of a person;

a space-wide index comprising information about items in a physical space larger than the vicinity of said person;

a search engine to search said space-wide index for the items in the vicinity of said location which are requested by said person.”

Crabtree et al. does not search for “the items in the vicinity of said location which were requested by said person”. Instead, Crabtree et al. retrieves “interests associated with the instantiated context from the profiler 201 and to retrieve information from information sources IS1-IS4 via index generator 205 based on those interests.” These interests are neither “items” nor were they “requested by said person”.

Accordingly, Applicants respectfully assert that independent claims 1, 5, 18, 25, 29, 33, 46 and 57 are allowable. Claims 2 – 4, 6 – 17, 19 – 24, 26 – 28, 30 – 32, 34 – 45, 47 – 56 and 58 – 60 depend from, directly or indirectly, claims 1, 5, 18, 25, 29, 33, 46 and 57, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 2 – 4, 6 – 17, 19 – 24, 26 – 28, 30 – 32, 34 – 45, 47 – 52, and 58 – 60 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 1 – 52 and 57 - 60.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this response to Deposit Account 09-0468.

Respectfully submitted,

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